

**ASSEMBLY BILL**

**No. 208**

**Introduced by Assembly Member Frommer**  
**(Coauthor: Assembly Member Shelley)**  
(Coauthor: Senator Burton)

February 9, 2001

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An act to add Section 6018.3 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

LEGISLATIVE COUNSEL'S DIGEST

AB 208, as introduced, Frommer. Sales and use taxes: partial exemptions: acupuncturists.

The Sales and Use Tax Law imposes a tax on the gross receipts from the sale in this state of, or the storage, use, or other consumption in this state of, tangible personal property. That law provides various exemptions and partial exemptions from that tax, including a partial exemption for vitamins, minerals, dietary supplements, and orthotic devices used or furnished by a licensed chiropractor in the performance of his or her professional services.

This bill would additionally provide a partial exemption with respect to any herb, herbal formula or preparation, vitamin, mineral, dietary supplement, orthotic device, or other naturally occurring substance included in the Encyclopedia of Chinese Materia Medica that is used or furnished by an acupuncturist in the performance of his or her professional services.

Counties and cities are authorized to impose local sales and use taxes in conformity with state sales and use taxes. Exemptions from state sales and use taxes enacted by the Legislature are incorporated into the local taxes.

Section 2230 of the Revenue and Taxation Code provides that the state will reimburse counties and cities for revenue losses caused by the enactment of sales and use tax exemptions.

This bill would provide that, notwithstanding Section 2230 of the Revenue and Taxation Code, no appropriation is made and the state shall not reimburse local agencies for sales and use tax revenues lost by them pursuant to this bill.

This bill would take effect immediately as a tax levy, but its operative date would depend on its effective date.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6018.3 is added to the Revenue and  
2 Taxation Code, to read:

3 6018.3. A licensed acupuncturist is a consumer of, and shall  
4 not be considered a retailer with respect to, any herb, herbal  
5 formula or preparation, vitamin, mineral, dietary supplement,  
6 orthotic device, or other naturally occurring substance included in  
7 the Encyclopedia of Chinese Materia Medica that is used or  
8 furnished by him or her in the performance of his or her  
9 professional services.

10 SEC. 2. Notwithstanding Section 2230 of the Revenue and  
11 Taxation Code, no appropriation is made by this act and the state  
12 shall not reimburse any local agency for any sales and use tax  
13 revenues lost by it under this act.

14 SEC. 3. This act provides for a tax levy within the meaning of  
15 Article IV of the Constitution and shall go into immediate effect.  
16 However, the provisions of this act shall become operative on the  
17 first day of the first calendar quarter commencing more than 90  
18 days after the effective date of this act.

